

FIRE ISLAND NATIONAL SEASHORE

NEW YORK

STATEMENT FOR MANAGEMENT

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I. PURPOSE OF THE PARK

Fire Island National Seashore, by its enabling act of September 11, 1964 (Public Law 88-587) was established "... for the purposes of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes and other natural features within Suffolk County, New York, which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population...".

Fire Island National Seashore is located in the First congressional district.

II SIGNIFICANCE OF PARK RESOURCES

The primary importance of the Seashore is to be found in its natural features; it is significant because it is a comparatively undeveloped littoral resource in the most densely populated section of the United States. This naturalness is the essence of the approximately 20,000 acres of Fire Island National Seashore. The value of the Seashore as a recreational resource, while important, is secondary to, restricted by, and dependent upon the native characteristics.

Fire Island is a showcase of barrier beach dynamics. Natural forces constantly reshape the land form, eroding in one area and building in another. The primary dune, susceptible to wind and wave action, experiences a net loss over a period of time. The salt marsh, on the other hand, is growing, nourished by sand from both ocean and bay sides. Thus, the island is gradually moving landward towards Long Island and westerly towards Jones Beach. In their natural state, barrier islands are not only mobile but extremely resilient; these characteristics make Fire Island the dynamic resource that it is.

The salt marshes of Fire Island are a priceless natural resource; these areas form the base of a food pyramid unsurpassed in variety and richness. A great number of aquatic plant and animal types spend all or most of their life cycle in the salt marsh and many marine species use them as nurseries. Migratory waterfowl are regular visitors during the autumn months, finding food and shelter in the marsh areas on their way south. Fish, crabs, mussels, clams and countless other forms of marine life rely on the salt marsh for food and protection. It has been estimated that 40% of the supply of hard clams in the United States comes from the Great South Bay, large portions of which are included within the confines of Fire Island National Seashore. The significance of the salt marsh is more apparent when one considers the following statistics: In Nassau and Suffolk Counties, over 11,000 acres of valuable marshland have been destroyed since 1954; in the area adjacent to Seashore lands, only 4,000 acres of salt marsh remain, with 1,600 of these acres remaining on Seashore lands. Consequently, this resource is of vital significance to the maintenance of a healthy estuarine environment on Fire Island and in the Great South Bay.

Two areas afforded special mention in the enabling legislation are the Sunken Forest Preserve and that area between the easterly boundary of Davis Park and the westerly boundary of Smith Point County Park, popularly called the Eight-Mile Zone. The Sunken Forest, a typical maritime forest, is the largest found on Fire Island. Fine stands of holly, sassafras, junberry and blackgum which may exceed 25 feet in height can be found here. This "climax community", estimated to be 250 years old, is a good example of natural succession. The Eight-Mile Zone is of particular importance because it is relatively undeveloped. It is in this area that practically all of the salt marsh occurring on Fire Island is found.

Upland vegetation is typical of what is found on the rest of the island but it is found in greater abundance. The larger mammals, including but not limited to whitetail deer, red fox, cottontail rabbit and muskrat exist in greater numbers in the Eight-Mile Zone than on any other portion of the island. The retention of both areas in a natural state is an explicit mandate of the Park's enabling law.

The Park has direct control over two major cultural resources, the William Floyd Estate and the Fire Island Lighthouse. The Fire Island Light Station has been determined to be eligible for inclusion in the National Register of Historic Places. The 1858 Lighthouse and Keeper's House, the radio transmission station, and the foundation of the 1826 Lighthouse are significant for their role in the history of oceanic and coastal navigation, in the development of private maritime industry in bay and ocean, in symbolizing changes in federal maritime responsibility, and in the naval aspects of American wars.

The 613 acre William Floyd Estate in Mastic Beach contains a fully furnished 25 room house, originally built in the 1720's (but with 19th and 20th century additions), ten farm outbuildings, a family and a slave cemetery, and roads, trails, gardens, fields, and other sites of minor historical significance. The house was the birthplace and residence of General William Floyd, a signer of the Declaration of Independence and a member of the first Congress of the United States; and it was the home of his parents and his descendants for a total of eight generations. It offers the unique opportunity to understand the evolution of family and cultural life and of private land-use management over a 250 year period of American history. The structures and the collection have been nominated to the National Register. Archeological surveys have been made of both the William Floyd Estate and the Lighthouse Tract, identifying areas of possible archeological sensitivity.

An historic resources study of Fire Island, completed in the fall of 1979, identified any additional cultural resources, including any not on federally owned land, that may have significance from the point of view of the history of the bay economy, navigation, maritime industry, architecture, and resort and community development. An archeological reconnaissance in 1974 found no premodern remains. Since the waters off Fire Island rank high as a graveyard of ships, underwater archeological surveys would almost certainly reveal many maritime artifacts within the boundaries of the Park. The remains of one 19th century and one 20th century shipwreck are currently visible on the beach and may be useful for interpretation.

III. EXISTING LAND MANAGEMENT AND USE

Four use zones have been defined for the National Seashore: natural, historic, park development, and special-use. Each of the zones is described below; and permitted uses, facilities, and activities are listed. Figure 2 at the end of this section delineates the land classification zones.

CLASS I - NATURAL ZONE

In this zone, natural resources and processes remain largely unaltered by human activity except for approved developments essential for management, use, and appreciation of the Park.

SUB-CLASS 1A - ENVIRONMENTAL PROTECTION/PRIMITIVE ZONE

Lands and waters possessing particular value as wildlife habitat and/or research areas with outstanding physical and biological characteristics.

Uses: Protection of valuable habitats, outstanding ecological features, and other environmental values.

Permitted Facilities: Sand trails, elevated pedestrian dune crossings (2 to 3 feet high), and boardwalks (limited to 5 feet in width) in certain locations where future visitor use would result in damage to natural features.

Recreational Activities: Hiking, surf fishing, hunting (where permitted by law), and limited natural history interpretation.

SUB-CLASS 1B - OUTSTANDING NATURAL FEATURE ZONE

Geological and biological features possessing intrinsic value or uniqueness.

Uses: Interpretation of natural features, research, and environmental education.

Permitted Facilities: Boardwalks (limited to 5 feet in width), interpretive exhibits, and elevated pedestrian dune crossings.

Recreational Activities: Hiking on sand trails and boardwalks, natural history interpretive activities, environmental education, and hunting (where permitted by law).

SUB-CLASS 1C - NATURAL ENVIRONMENT ZONE

Lands that require protection of the natural environment but can accommodate environmentally compatible activities.

Uses: Limited public day-use recreation, natural history interpretation and environmental education.

Permitted Facilities: Minimum facilities to provide for public safety and protection of the natural resource, such as boardwalks (limited to 5 feet in width), primitive-type campsites, minor small boat docks, open showers, sewage facilities, and interpretive signs.

Recreational Activities: Hiking, beachcombing, surf fishing, ocean swimming, hunting (where permitted by law), natural history studies (both National Park Service directed and individual activities), recreational clamming, picnicking, and camping.

CLASS II - HISTORIC ZONE

This category includes areas managed to preserve and interpret significant historic structures as well as lands containing resources listed on or eligible for the National Register of Historic Places. Authenticity and integrity of the historic scene should be maintained with compatible uses of all historic structures. First order structures are normally restored and preserved. Historic structures of lesser importance can be used for a variety of compatible purposes.

Uses: Interpretive activities relating to the historic resources and the study of the cultural environment with secondary activities such as environmental education.

Permitted Facilities: Restored historic structures, interpretive boardwalks and paths, interpretive exhibits, and other limited improvements necessary for visitor appreciation of the historic environment. Environmental education facilities.

Recreational Activities: Historic interpretation, walking, environmental education activities, and limited picnicking.

CLASS III - PARK DEVELOPMENT ZONE - (was titled General Outdoor Recreation Zone-identified as such in General Management Plan)
This zone includes lands and waters where visitor use has altered or may moderately alter the natural environment. Facilities on lands within this zone serve the needs of park managers in providing medium-density recreational opportunities. Facilities and structures would not dominate the natural environment and should be architecturally compatible with the resource.

Uses: Traditional moderate-density beach recreation (see table i for visitation levels associated with moderate-density beach recreation), natural history interpretation, and environmental education.

Permitted Facilities: Minimum-scale bathhouses, supervised beaches, boardwalks, individual and group campgrounds, maintenance stations, concessioner facilities (snack bars and food-marina stores), seasonal and year-round housing for park staff, seasonal concessioner housing, picnic areas, ranger stations, visitor centers, existing marinas, ferry slips, utilities, and necessary support facilities such as wastewater treatment.

Recreational Activities: General day-use beach recreation, hiking, beachcombing, docking of boats in marinas and related social activity, camping, surf fishing, picnicking, recreational clamming, and various natural history interpretive activities.

CLASS IV - SPECIAL USE ZONES

SUB-CLASS IV-A - Community Development Zone

This subzone includes private lands within the 17 communities located within the boundary of the National Seashore. Federal control within the communities is limited by existing legislation to certain zoning standards. Otherwise, the communities are exempted from direct federal control.

Uses: Private development (single-family residential and some commercial) that conforms with local jurisdictional zoning ordinances approved by the Secretary of the Interior.

Permitted Facilities: Structures and improvements that conform with local zoning ordinances approved by the Secretary of the Interior.

Recreational Activities: Activities typical of seashore communities, ranging from surf fishing and beachcombing to nightclub dining and dancing.

SUB-CLASS IV-B - Non-Acquired Park Development Zone

Lands within this subzone are limited to major large scale facilities, public bathhouses, and parking lots located within Smith Point County Park, Suffolk County. Being within Special Use Zone, this applies only to Non-National Park Service owner areas, as compared with National Park Service lands within the Class III Park Development Zone.

Uses: High intensity beach recreation.

Existing Facilities: Large capacity facilities, such as extensive parking lots, major bathhouses, drive-in campgrounds, boardwalks, trails, concessioner facilities, and related support facilities.

Recreational Activities: Swimming, picnicking, surf fishing, playground activities, shellfishing, and other recreational activities permitted in zones I and III. Camping.

SUB-CLASS IV C - DUNE DISTRICT - (Revision checklist requires that this sub-class be included in the Natural Zone. However, General Management Plan identifies it in Class IV)

The dune system of Fire Island National Seashore, which is subject to frequent and severe storm damage, is vital to the protection and perpetuation of the resource. Certain segments of the dune system within the Seashore have been severely damaged by man's activities. All dunes not included in the environmental protection/primitive zone will be protected from additional damage by inclusion in this district.

Uses: Public recreational use prohibited.

Permitted Facilities: A small number of vehicular and pedestrian dune crossings necessary for access to areas located behind the dunes. Snow Fencing/ Planting of Endemic Species.

Recreational Activities: All recreational activity prohibited within the dune district because of the exceptionally fragile nature of the dune system.

IV. INFLUENCES ON MANAGEMENT

A. Legislative and Administrative Constraints

Fire Island's enabling legislation (Public Law 88-587) includes several provisions that influence park management. A copy of the law is appended (Appendix A), and only the most pertinent sections are outlined here:

Section 2 of the law states that property owned by the state or any political subdivision thereof may be acquired only with the concurrence of the owner. The beach face below mean high water is owned by the state, and use and occupancy rights were granted to the National Park the entire length of the Seashore; the indenture is appended (Appendix B). Suffolk County owns the lands east of Smith Point and has not demonstrated any desire to relinquish ownership. The county also owns Hospital Island near Old Inlet.

Except for that portion of the bay bottom west of Blue Point to the town line owned by the Bluepoint Company, the Town of Brookhaven owns the bay bottom and also owns ten small islands in the easterly portion of the Seashore. Additionally, the town owns a bay to ocean strip on Fire Island at Davis Park known as Leja Beach. Several of the small islands owned by the town are leased to a private hunting club. The town of Islip owns the bay bottom, 56 acre Sexton Island and two bay to ocean strips on Fire Island called Barrett Beach and Atlantique Beach. (Barrett Beach is located within the Township of Brookhaven.) It is of interest to note that the Township boundaries on the bay and mainland do not correspond due to an error in the original Nicoli Patent of 1697.

The Village of Bellport owns a bay to ocean strip in the approximate center of the federal tract east of Watch Hill. These lands owned by political subdivisions for the most part satisfy local recreational demands. Although managed for the exclusive patronage of their residents, their use is generally compatible with the recreational mission of the Seashore. Cooperative management agreements are desired to ensure compatible resource management measures.

The power to condemn private property, while limited to adverse development in the exempted communities (Community Development Zone) was made available to the Secretary for the purchase of all lands located between the eastern boundary of the Ocean Ridge portion of Davis Park per PL95-625, November 1978 and Smith Point County Park. (The eastern portion of Davis Park and west of Smith Point (except Public Ownership Sections) is in federal ownership at present. However, many summer homeowners elected to retain an estate for 10 or more years. The majority of these use and occupancy arrangements were terminated by 1978; however, 21 are valid until 1992, 1993 and there is one life estate.

In private holdings on Fire Island between Davis Park and west to the Kismet hamlet and on West Fire Island, the power to condemn private lands (outside the limits of the exempt communities) is limited to properties "developed" after July 1, 1963, and to lands required for public access to the beach and waters. There are 165 parcels of land, 133 on Fire Island and 32 on islands to be negotiated for acquisition as of September 1979.

Section 3 of the law requires the Secretary to establish standards for zoning ordinances to regulate development and prohibit commercial and industrial uses adverse to the preservation and continued public use of the Seashore. The standards are contained in Section 28 of CFR Title 36. This provision was directed at the 17 communities located within the exterior boundaries but exempt from federal regulation on matters other than zoning. Many of the 4,000;plus summer vacation homes are owned by persons registered to vote in the New York metropolitan area and other distant locales, so the communities are therefore unable to exert significant political influence on local municipal authorities. This lack of direct governmental representation prompted the federal overview in regulation of development. Condemnation is available to the Service in the event of adverse development endangering the natural resources of federal lands. There is reluctance to purchase lands in the exempt communities where no public use is feasible as acquisition priorities are higher elsewhere, funding is limited and administration of detached parcels is difficult.

Section 5 of the law authorizes the Secretary to permit hunting, fishing and shellfishing and to establish periods and designate zones to accommodate these activities after consultation with the Department of Environmental Conservation, State of New York. Most of the area between Watch Hill and Smith Point is designated and managed as a cooperative hunting area. (The area leased by Brookhaven to a private hunting club has been excluded by the State as a public hunting area because of that prior agreement commencing in 1976 and expiring in 1981). This eastern portion of the Seashore is extensively used for both waterfowl and rabbit hunting and receives extensive use by mobile sportsfishermen who drive along the beach in four-wheel drive vehicles following the runs of bluefish and striped bass.

Section 7 of the law distinguishes the Sunken Forest Preserve and the federal lands east of Davis Park as natural areas to be preserved in as nearly their present state as possible. The Sunken Forest is a good example of a maritime holly forest. Protected from the salt environment by a secondary barrier some distance back from the primary dune line, the forest developed in a sheltered niche on the bay side of the island.

The forest is an excellent place to examine and interpret the ecology and dynamics of barrier islands, and, because of its proximity to a federal developed area, receives extensive visitation.

Access to the easterly federal tract "The Eight-Mile Zone" is limited by the enabling legislation to footpaths and ferries. Within this "Zone" the Watch Hill area was developed to accommodate ferry and boat access to this portion of the Seashore. Located at the extreme westerly end of the natural zone a short distance from the exempt community of Davis Park, the development is criticized by some as being too elaborate and therefore not in accord with the law. Watch Hill, however, does confine and combine facilities for visitor use to one area and is consequently less intrusive, less damaging and more economical to operate than several scattered facilities of more modest proportions. Access to the eastern portion of the Seashore by four-wheel drive vehicles has not been eliminated, as some of the former owners of summer homes were assured reasonable access in their use & occupancy agreements. Currently 18 residences remain occupied under tenancy options. Residential structures and associated developments on federally acquired lands are being removed and the lands are being used for public day-use recreation or natural preservation. The recreational use of vehicles on the beach for sportsfishing is currently permitted in this zone. This mechanized use of the natural zone has been a continuous source of controversy in recent years. During the General Management Plan process, a local conservation organization requested that the natural zone's potential for wilderness classification be investigated. An investigation to determine the feasibility of wilderness designation was completed in the fall of 1979. No further action has been taken to date.

Fire Island National Seashore Vehicle Use Regulations (36 CFR 7.20(a)) were implemented on January 1, 1978 and a copy is attached Appendix G. Vehicle use Seashore wide remains high and controversial.

Section 8 of the Seashore Act (PL-88-587) authorizes the Corps of Engineers to undertake, or contribute to shore erosion control and beach protection measures under a plan consistent with the preservation of the area and mutually acceptable to the Secretary of Interior and the Army. Also included in this section is authorization to allow a new inlet on Seashore lands to alleviate, by flushing action, the septic condition that had been developing in bay waters and to provide an additional entry to bay waters for ships. Water quality did not degrade to a level requiring construction of an artificial inlet and the anticipated need for better large ship access did not materialize. The Corps' plan to fortify the beach and primary dune line and stabilize the base resource for the protection of Long Island developments would compromise many natural aspects of the Seashore. A mutually acceptable plan has not as yet been formulated although there is agreement on some measures to restore and maintain a more natural balance within the system. Following the completion of current studies by the Corps of Engineers and their consultants, the National Park Service will assess sand nourishment proposals. As a general principle, sand nourishment (including dune construction and direct beach replenishment) will not be undertaken in the large federal tract east of Watch Hill.

However, if future research findings and National Park Service analysis of environmental impacts show that human intervention is essential for perpetuating this resource, such activities may be undertaken. All sand nourishment activities throughout the island would be closely monitored by the Park Service and the Corps of Engineers.

Full visitor access is directly dependent on Park Development Plans and funds. This is particularly true for the Patchogue Visitor Terminal, the William Floyd Estate and the Fire Island Lighthouse and Keepers Quarters.

Section 10 of the Seashore Act authorized the appropriation of \$16 million for the acquisition of lands and interests in land. Two million dollars in additional funds for land acquisition have been authorized and are being spent in an attempt to stop illegal variances. (see Appendix D; Public Law 94-578 of October 21, 1976.)

Public Law 89-244 (Appendix C) of October 9, 1965 authorized the Secretary to accept the donation of the 613 acre William Floyd Estate. At that time, a 25 year use and occupancy agreement was granted the Floyd descendants. In October of 1976, the descendants relinquished their use and occupancy rights to 33.8 acres of the Estate, including the major residence and out-buildings. The remainder of the Estate will continue to be used by the family as a private hunting preserve until 1990.

Special Use Permits have been granted to provide beach access to businesses and public utilities performing personal services for residents of Fire Island and to commercial operators of government owned facilities. Ferry operators and water taxi services have permits for docking and loading and unloading passengers at Government facilities. Public utilities permits are multiyear. Others are negotiated with the expiration of each concession contract. (See Appendix E)

The Rivers and Harbors Act of 1899, (33 USC 403), authorized the U.S. Army Corps of Engineers to participate in the protection of the barrier island system between Fire Island Inlet and Montauk Point. All beach protection and erosion control activities (and related hurricane protection measures) within this reach will effect Seashore resources.

Part 7.20, Title 36, Code of Federal Regulations of January 5, 1974, and January 1, 1978 defines the vehicular regulations for Fire Island National Seashore.

The Flood Disaster Protection Act of 1973 (PL 93-234) requires that every community identified by HUD as having areas of special flood hazard participate in the National Flood Insurance Program. Fire Island has been identified as having special flood hazard and 78 percent of the island's residences are covered by this federally subsidized insurance.

NEW YORK STATE LAWS

The New York State Tidal Wetlands Act of 1973, regulates the use and development of salt marshes and adjoining areas. Because of their value for marine food production, wildlife habitat, flood and hurricane and storm control, recreation and other vital uses, the marshlands are afforded special protection. This law not only influences actions taken on federally owned marshlands but has direct regulatory authority of all other tidal marshlands found at or near the Seashore.

The New York State Public Health Law of 1954, contains legal article number 15 pertaining to insect control. The Suffolk County Bureau of Vector Control has used chemical and marsh ditching to control mosquito populations at Fire Island since the 1930's. The working relationship with the Bureau of Vector Control is formalized by a Memorandum of Understanding. At this time all County Vector Control measures have been suspended on federal lands and testing is being accomplished by National Park Service personnel. Emergency combative measures will be initiated only if a public hazard is identified by the United States Public Health Service.

An extensive body of law in New York covers the Colonial Patents that in the mid-1600's established and defined the townships on Long Island. The provisions of these land grants have been upheld by the courts for over 300 years and influence many Seashore activities. The Long Island Townships are afforded authorities and ownerships commonly held by state governments. Such wide-ranging activities as waterfowl shooting, pleasure boat anchorage and recreational beach use are affected, in addition to the more obvious influences that accompany both fast and submerged land ownership.

B. Regional Influences

Fire Island is situated in the most densely populated region of the United States (with 20.8 million people living within a 100 mile radius of the Seashore). For several reasons the regional population does not represent the potential visitors to the National Seashore. In terms of accessibility, Long Island Sound, the Atlantic Ocean, and most importantly the New York City metropolitan area, all act as barriers to the efficient movement of people to and from Long Island. The Long Island area has long been a bedroom community for workers and a playground area for residents of New York City, to which it is linked by an overcrowded highway network and a sometimes inefficient mass-transportation system. Long Island has undergone rapid population growth in the last decades, with many people emigrating from the city to attempt semi-rural living. As the urbanization of western Long Island has intensified, people have moved farther and farther eastward.

For these people, New York City impedes westward mobility and tends to increase the importance of the island's recreational facilities by restricting access to the recreation areas north and west of the city. Similarly, the congested highways discourage motorists from New York, New Jersey, and southern New England who might otherwise consider a trip to the Seashore. Other natural and recreational resources in more accessible locations are available for these populations. The scarcity of inexpensive lodging on Fire Island and in nearby Long Island communities further limits use, particularly by those who live too far away to drive to and from Fire Island in one day. In New York City, few people maintain cars because of their associated expenses and inconvenience; therefore, to reach the seashore, many urbanites must use public transportation, which can be inconvenient and expensive.

The immediate environs, Nassau and Suffolk Counties, New York, comprise a land area of 1,200 square miles, with a 1970 population of approximately 2.6 million, 14 percent of the New York State total. Nassau County, covering the western half of Long Island, listed 1,428,838 inhabitants in 1970 and Suffolk County to the east had a population of 1,127,030.

Recreational resources within Nassau and Suffolk Counties vary widely. Suffolk County currently has an abundance of undeveloped recreational lands; Nassau County is faced with a significant shortage. The Nassau-Suffolk Regional Planning Board predicts population increases of 900,000 residents by 1985 for the bi-county area.

The barrier island system of southern Long Island provides recreational opportunities for a large number of the region's residents. Robert Moses, Jones Beach, Captree State Parks and Smith Point County Park, all adjacent to Fire Island facilities, are heavily used during the summer. They will continue to serve the high-density recreational needs for the Fire Island region.

One of the most important industries in the vicinity of Fire Island is shellfishing, and Great South Bay has historically been a leader in the production of hard-shell clams (approximately 40 percent of the U.S. supply is harvested from Suffolk County's Great South Bay region). The retail value of shellfish production on Long Island was conservatively estimated at \$100 million in 1974. In Suffolk County there are approximately 8,000 licensed individuals who harvest shellfish, and approximately 500 people are employed in onshore shellfishing activities. From 1960 to 1974, shellfishing increased approximately 60 percent, with 1974 dockside sales recorded at \$12.4 million. Much of the clam harvest is independently marketed and is not reflected in annual dockside value.

Fire Island's community developments consist of summer residences and commercial establishments, situated predominantly at the western end of the island. These communities provide a variety of recreational facilities (mostly private), virtually all of the overnight accommodations, and most of the commercial establishments. No highways or lateral ferry systems link the communities with public recreation areas, and facilities in the communities are largely inaccessible to the public at large. The residential areas are political subdivisions of Long Island's towns of Islip and Brookhaven. The two towns and the Villages of Ocean Beach and Saltaire provide some municipal services. The community developments function as semi-autonomous units within the National Seashore. Residents of these communities do not encourage Park visitors to spend much time in their communities.

The use of four-wheel drive vehicles on Fire Island has become an increasing concern to visitors, property owners, local governments and the National Park Service. The beach buggy, first considered a recreational device, has become a convenient means of access for many and is considered by some a necessity for island residence.

Where vehicles are used, both federal and non-federal lands may be adversely affected and the enjoyment of the island by both residents and visitors may be impaired. The reduction of vehicle use to the absolute minimum is an objective common to federal and local governments and is supported by the majority of Fire Island dwellers and occasional users alike.

Fire Island is a littoral resource. Its existence depends on the free movement of sediments carried from east to west by offshore currents. Logically, interference with this process has a negative impact on this resource.

Groins, elongated structures that extend outward into the nearshore zone, are designed to interrupt along-shore drift of sediment. Groin fields, such as the one at Westhampton Beach, allow beach areas immediately updrift to build by trapping sediment from its east to west migration. Areas immediately downdrift diminish in size, robbed of necessary building material. Additionally, it has been shown that areas well downdrift of such a field suffer similar losses, but to a lesser degree.

Inlets, like those occurring at Shinnecock and Moriches, play an important role in barrier beach dynamics. On the negative side, inlets rob the nearshore zone of sediments resulting in a diminished ocean front downdrift of their position. These robbed sediments cause shoaling near the inlets and adjacent bays, creating a hazard to boaters using these waters. On the positive side, inlets permit the daily flushing of pollutants from adjoining bays. Additionally, they also allow ocean-borne sediments to enter the bay system, encouraging the growth of vital salt marsh areas. Dredging, a technique used in the past to deal with shoaling around inlets, has not always provided the desired results. A more inspired approach, called the sand by-pass system, allows inlets to remain open while returning necessary sediments to both ocean and bay environments.

C. Within-Park Influences

Fire Island has no continuous hard-surfaced road, and vehicular access and circulation are primarily confined to Robert Moses State Park at the western end of the island and Smith Point County Park at the eastern end. A limited number of vehicles are granted permits to travel along the beach and through dune crossings into communities and certain recreational areas. The Seashore's restriction of vehicular traffic has reduced the amount of damaging trips on the island. It has also produced intense controversy, causing the Park to expend more than ordinary effort in public relations. Since the vast majority of visitors to the island are there for sun and surfbathing, their ability to enjoy the beach free of danger and interference due to vehicle use has been enhanced.

Primary access to the federal recreation areas and the private communities within the island is by commercially operated ferry and private boat. Apart from limited water-taxi service between some communities, there is no public transportation between recreation areas other than by foot. The result is that parts of the island are spared the erosive effects of massive public use, while other areas receive concentrated activity. The pattern facilitates management enforcement of its resource preservation policies in some areas, but hinders them in others. Management must also adjust its own patrol and maintenance operations to accommodate both the variations in use and the reaction to the restrictions it enforces on the public. Access patterns enable visitors to choose among crowded and isolated areas (if they are willing to walk), but they also restrict large portions of the island to the relatively well-off.

Although the island is primarily a summer recreation area, some off-season use occurs, such as surf-fishing and beachcombing, so that staff for visitor services and enforcement of regulations needs to be provided year-round.

The entire island is subject to continuous reshaping and erosion from the natural movements of ocean and bay currents, which are incompletely understood, and from climatic events, both regular and extraordinary. Hurricanes in late summer and fall and severe winter storms often cause radical changes in the island's contours, including opening and closing inlets, destroying dunes, washing out structures, and depositing debris. Management's attempts to conserve and restore the resource require the direct expenditure of funds and manpower in areas under federal ownership, the financing or sponsorship of experiments undertaken by other agencies, and the negotiation of cooperative agreements and the maintenance of constant communication with a variety of agencies, governmental units, and interest groups.

The variety of landownerships and governmental jurisdictions within the exterior boundaries are major obstacles to uniform policy and regulations aimed at preservation and restoration. Attempts by exempted communities to control erosion or enlarge their own beaches have adversely affected other parts of the island.

Cooperative management of bay islands is dictated by PL88-587 and is a major Park concern. A full study is necessary to formulate long range plans that best protect these fragile environments.

The seventeen private communities within the boundaries of the Seashore are governed by their own laws and regulations as well as by the laws of the towns of Islip and Brookhaven. Criminal enforcement is by the Suffolk County Police. Most community regulations discourage the presence of casual visitors and restrict use of facilities to property owners. Zoning regulations are made by the incorporated communities and the towns, and are subject to approval by the Secretary of the Interior. Cooperation is not regular, however, and violations are traditional in some areas, requiring constant monitoring by the Park. Overbuilding, building on the dune, and building on undersized lots have accelerated erosion in several areas. The sanction currently available to the Secretary is condemnation of real property when its development and use are inconsistent with approved zoning standards. Since actual condemnation depends upon available funding, its major strength at present comes from its threatened use.

Major Seashore visitor centers exist at Sailors Haven and Watch Hill, serving visitors to those areas who arrive by ferry or private boat. The two major points of pedestrian and vehicular entry - the Lighthouse Tract and Smith Point, have checkpoint stations only. Recreational activities on the island are least diverse where Seashore facilities are undeveloped. Since there is no major staging area on the mainland of Long Island, Seashore contact with most visitors is sporadic at best, hindering the Park's ability to present its policies and regulations.

National Park Service concession operations are located at Watch Hill and Sailors Haven. Concessioners run the marina and snack bars. Ferry service to the two federal areas is also by concession. Parking lots are operated by private companies, town or village. Both ferry service and parking are regarded as inadequate to meet the demand, causing frustration to visitors. Land acquisition of mainland terminal sites is underway for public access to Seashore facilities in Patchogue. Bay waters within Seashore boundaries are traditional areas for boating, fishing, hunting, and clamming, both recreational and commercial. The Seashore cannot regulate shellfishing though it shares responsibility for boating safety with other public agencies within its boundaries. It must also be concerned with water quality, which affects the stability of the vital salt marshes on the island. Water quality of the bay and of aquifers underlying Fire Island is affected by the waste disposal patterns of boat users, of the residential communities on the island, and of the recreation areas. As boating and recreational use increase and as the communities continue to build, liquid and solid waste disposal pose an increasing problem.

Smith Point County Park is a high-density use park within Seashore boundaries accessible to vehicles. The towns of Islip and Brookhaven and the Village of Bellport maintain five small private parks for the use of their residents. Two of these, Barrett Beach and Bellport Beach are of particular importance because they transect major federal tracts of natural significance.

The Lighthouse Tract and the William Floyd Estate, the two cultural resources, are subject to continued and rapid deterioration because of exposure to the elements and lack of adequate maintenance over a number of years. Neither site is structurally sound enough at present to accommodate the visiting public. The problems associated with their maintenance are beyond the capacity of the Seashore's maintenance operation. Both require special patrols to ensure the safety of the public and to prevent vandalism and intrusion.

Numerous research investigations have been conducted at the National Seashore since it was founded in 1964, as well as at other Atlantic coast barrier islands. Most of the research has been directed toward describing the natural environment and evaluating ecological and geological processes. Experimental studies have also been done on the effects of vehicle use and the effects of various types of manipulation of the tidal marsh environment. A natural resources inventory and an environmental inventory of the Seashore and the William Floyd Estate have been completed. An archeological survey of Fire Island and a detailed archeological reconnaissance of the Lighthouse Tract and the Estate have also been completed. Detailed zoning studies have been made. The William Floyd Estate has had a historic resource study and a historic structures report on the main house. A cultural resources study of Fire Island, including nonfederally owned lands was begun in November 1978 and was completed in November 1979. A historic structures report of the Lighthouse is needed. Studies of beach dynamics and of preservation and restoration techniques are ongoing, both by the Seashore and by other agencies.

V. MANAGEMENT OBJECTIVES

PARKWIDE

Resource Management

The National Park Service will manage Fire Island National Seashore in accordance with the legislated mandate to preserve the island's natural resources while providing diverse recreational opportunities. The following objectives will be used to guide management and operation of the National Seashore:

To provide for the preservation of unspoiled beaches, dunes and natural features for the use of future generations.

To protect and preserve natural plant and animal communities.

To manage Fire Island in ways that will enhance natural processes and mitigate the impacts of human interference with these processes.

To maintain and/or restore all areas not required for public or administrative use to a natural condition using aesthetically appealing and environmentally compatible methods.

To preserve cultural resources.

To maintain acceptable water quality in marinas and adjacent waters.

In the event of an officially declared health emergency, as determined by the U.S. Public Health Service, the Director of the National Park Service must approve use of any pesticide or other chemical control substance, and application procedures shall be in accordance with Environmental Protection Agency (EPA) regulations and other applicable laws.

To establish a dredge spoil plan for areas within and areas affecting the Seashore lands or waters.

To promote and enhance a harmonious relationship between the exempted Seashore communities and the National Park Service.

VISITOR USE

To foster public understanding and appreciation of Fire Island's natural and cultural resources.

To provide for the continued reduction of vehicle use until such use is at an absolute minimum.

To provide a wide range of quality interpretive activities that emphasize the natural features and processes of the Seashore's lands and waters, man's relationship with his environment, and the historical and other cultural values of the area.

To utilize Fire Island's resources in providing recreational facilities and opportunities that are generally unavailable elsewhere in the region while maintaining the serenity and beauty of the barrier island.

To provide for the continuation of traditional low-density recreational activities.

To make the National Seashore accessible to a cross-section of the national and regional population.

To encourage cooperation in the management of adjacent recreational lands to prevent unnecessary duplication of facilities and to provide the greatest diversity of recreational opportunities on Fire Island.

To integrate planning and management for Fire Island National Seashore into regional planning and economic considerations.

Fire Island National Seashore has been divided into management units to facilitate management and to improve operations immediately. Each unit will have specific management objectives as discussed below.

LIGHTHOUSE UNIT

This unit includes the 90-acre lighthouse tract, bay to ocean strips, Sexton Island, West Island, and East Island. Management objectives for this unit are as follows:

Resource Management

To preserve and interpret the historical resources of the lighthouse complex.

To rehabilitate and preserve bay to ocean strips.

Visitor Use

To manage natural resources within the lighthouse tract and the adjacent bay islands for interpretation, environmental education, research and preservation.

SUNKEN FOREST MANAGEMENT UNIT

This unit extends from the western boundary of Point O'Woods to the western boundary of Davis Park. The following objectives have been defined for the Sunken Forest unit:

Resource Management

To continue special protection for the old maritime holly forests of the Sunken Forest.

To assist with the preservation of the outstanding maritime forests in the community of Point O'Woods through the implementation of an agreement with the Point O'Woods Association.

Visitor Use

To manage the Sunken Forest developed area as a center for natural history interpretation and recreation, and to deemphasize overnight use by boaters.

To provide concessioner capability to afford the public the service necessary for use of the marina and other public areas.

WATCH HILL MANAGEMENT UNIT

The Watch Hill unit encompasses the lands from the eastern boundary of Ocean Ridge to the eastern end of the Watch Hill campground. The primary objectives for its management are:

Resource Management

To protect and enhance the natural environment of undeveloped lands east of the Watch Hill developed area.

Visitor Use

To manage the Watch Hill developed area as a National Seashore center for day-use recreation and camping.

To maintain adequate water depth for ferry and boat access to marinas.

To provide concessioner capability to afford the public the services necessary for use of the marina and other public areas.

HIGH DUNE MANAGEMENT UNIT

This unit extends from the eastern boundary of the Watch Hill management unit to the western boundary of Smith Point County Park. Its objectives are:

Resource Management

To protect the natural qualities of the high dune management unit to provide for traditional low-density recreational uses.

Visitor Use

To protect the natural qualities of the high dune management unit to provide for traditional low-density recreational uses.

To provide minimal facilities and programs for interpreting the outstanding natural resources of this area.

WILLIAM FLOYD MANAGEMENT UNIT

This unit includes the 613 acre William Floyd Estate. The following objectives for its management have been established:

Resource Management

To maintain the features of the existing landscape and current land-use practices, and to stabilize existing structures.

Visitor Use

To interpret the history and to preserve the historical resources of the estate as a continuum of the William Floyd family.

MORICHES AREA

This section of the barrier island, which extends from the eastern end of Smith Point County Park to Moriches Inlet, is the property of Suffolk County and is managed by the Suffolk County Parks Department. The National Park Service has the following objectives:

Resource Management

To manage these lands as a unit of the National Seashore should Suffolk County decide in the future to donate these lands to the National Park Service.

Visitor Use

To share ideas and philosophies with Suffolk County regarding the management of this section of the barrier island.

EXEMPTED COMMUNITIES

The following objective relates to the 17 exempted communities located within the boundary of the National Seashore:

Resource Management and Visitor Use

To establish direct federal involvement with local governmental jurisdictions in a cooperative effort to provide appropriate land uses within the exempted communities of the National Seashore.

APPENDIX



Public Law 88-587
88th Congress, S. 1365
September 11, 1964

An Act

To establish the Fire Island National Seashore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population, the Secretary of the Interior is authorized to establish an area to be known as the "Fire Island National Seashore".

Fire Island
National Sea-
shore.
Establishment.

(b) The boundaries of the national seashore shall extend from the easterly boundary of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wet lands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said area to distances of one thousand feet in the Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay, all as delineated on a map identified as "Fire Island National Seashore No. OGP-0002", dated June 1964. The Secretary shall file said map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Boundaries.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 1 of this Act. Any property or interest therein owned by the State of New York, by Suffolk County, or by any other political subdivision of said State may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

Acquisition of
land.
78 STAT. 928.
78 STAT. 929.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an administrative unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

Publication in
Federal Register.

(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally

owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) With one exception the Secretary shall not acquire any privately owned improved property or interests therein within the boundaries of the seashore or any property or interests therein within the communities delineated on the boundary map mentioned in section 1, except beach or waters and adjoining land within such communities which the Secretary determines are needed for public access to the beach, without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is satisfactory to the Secretary. The sole exception to this limitation on the power of the Secretary to condemn improved property where appropriate zoning ordinances exist shall be in the approximately eight-mile area from the easterly boundary of the Brookhaven town park at Davis Park, in the town of Brookhaven, to the westerly boundary of the Smith Point County Park. In this area only, when the Secretary deems it advisable for carrying out the purposes of this Act or to improve the contiguity of the park land and ease its administration, the Secretary may acquire any land or improvements therein by condemnation. In every case in which the Secretary exercises this right of condemnation of improved property the beneficial owner or owners (not being a corporation) of any improved property so condemned, provided he, she, or they held the same or a greater estate in the property on July 1, 1963, may elect as a condition of such acquisition by the Secretary any one of the following three alternatives:

76 STAT. 929.
78 STAT. 930.

(1) that the Secretary shall take the said property in fee simple absolute and pay the fair market value thereof as of the date of such taking;

(2) that the owner or owners shall retain a life estate in said property, measured on the life of the sole owner or on the life of any one person among multiple owners (notice of the person so designated to be filed in writing with the Secretary within six months after the taking) or on the life of the survivor in title of any estate held on July 1, 1963, as a tenancy by the entirety. The price in such case shall be diminished by the actuarial fair market value of the life estate retained, determined on the basis of standard actuarial methods;

(3) that the owner or owners shall retain an estate for twenty-five years. The price in this case shall likewise be diminished by the value of the estate retained.

"Improved
property."

(f) The term "improved property" as used in this Act shall mean any building, the construction of which was begun before July 1, 1963, and such amount of land, not in excess of two acres in the case of a residence or ten acres in the case of a commercial or industrial use, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: *Provided*, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

Regulations.

SEC. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning ordinances which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are con-

sistent with the purposes of this Act, of all property within the national seashore, and (2) promoting the protection and development for purposes of this Act of the land within the national seashore by means of acreage, frontage, and setback requirements.

(c) Following issuance of such regulations the Secretary shall approve any zoning ordinance or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(d) No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) contains any provisions that he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the national seashore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(e) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the suspension of the Secretary's authority to acquire such improved property by condemnation shall automatically cease.

78 STAT. 930.

(f) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

78 STAT. 931.

SEC. 4. (a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

Owners' use
of property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning ordinance approved by the Secretary in accordance with the provisions of section 3 of this Act, and upon tender to the owner of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

SEC. 5. The Secretary shall permit hunting, fishing, and shell-fishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York and the United States of America, except that the Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.

Hunting and
fishing.

SEC. 6. The Secretary may accept and use for purposes of this Act any real or personal property or moneys that may be donated for such purposes.

SEC. 7. (a) The Secretary shall administer and protect the Fire Island National Seashore with the primary aim of conserving the natural resources located there. The area known as the Sunken Forest Preserve shall be preserved from bay to ocean in as nearly its present state as possible, without developing roads therein, but con-

Sunken Forest
Preserve.

tinuing the present access by those trails already existing and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate this section of the seashore.

(b) ~~Access to that section of the seashore lying between the easterly boundary of the Brookhaven town park at Davis Park and the westerly boundary of the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance vehicles.~~ No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the seashore as well as that set forth in the preceding paragraph in as nearly their present state and condition as possible.

(c) In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the provisions of this Act and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

Shore erosion
control.

78 STAT. 931.
78 STAT. 932.

SEC. 8. (a) The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

(b) The Secretary shall also contribute the necessary land which may be required at any future date for the construction of one new inlet across Fire Island in such location as may be feasible in accordance with plans for such an inlet which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

Fire Island Na-
tional Advisory
Commission.
Establishment.

SEC. 9. (a) There is hereby established a Fire Island National Seashore Advisory Commission (hereinafter referred to as the Commission). The Commission shall terminate on the tenth anniversary of the date of this Act or on the declaration, pursuant to section 2(b) of this Act, of the establishment of the Fire Island National Seashore, whichever occurs first. The Commission shall consist of fifteen members, each appointed for a term of two years by the Secretary, as follows:

(1) Ten members to be appointed from recommendations made by each of the town boards of Suffolk County, New York, one member from the recommendations made by each such board;

(2) Two additional members to be appointed from recommendations of the town boards of the towns of Islip and Brookhaven, Suffolk County, New York;

(3) One member to be appointed from the recommendation of the Governor of the State of New York;

(4) One member to be appointed from the recommendation of the county executive of Suffolk County, New York;

(5) One member to be designated by the Secretary.

(b) The Secretary shall designate one member to be Chairman.

(c) A member of the Commission shall serve without compensation.

(d) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(e) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Fire Island National Seashore and shall consult with the members with respect to carrying out the provisions of sections 2, 3, and 4 of this Act.

(f) (1) Any member of the Advisory Commission appointed under this Act shall be exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code and section 190 of the Revised Statutes (5 U.S.C. 99) except as otherwise specified in paragraph (2) of this subsection. Conflict of interest.
76 Stat. 1126.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(i) to the receipt of payment of salary in connection with the appointee's Government service from any sources other than the private employer of the appointee at the time of his appointment; or

(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment. 78 STAT. 932.
78 STAT. 933.

SEC. 10. There is hereby authorized to be appropriated not more than \$16,000,000 for the acquisition of lands and interests in land pursuant to this Act. Appropriation.

Approved September 11, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1638 accompanying H. R. 7107 (Comm. on Interior & Insular Affairs).

SENATE REPORT No. 1300 (Comm. on Interior & Insular Affairs).

CONGRESSIONAL RECORD, Vol. 110 (1964):

Aug. 6: Considered and passed Senate.

Aug. 20: Considered and passed House, amended, in lieu of H. R. 7107.

Aug. 21: Senate concurred in House amendments.

STATE OF NEW YORK)
 : SS
COUNTY OF ALBANY)

On this 6th day of May , 1968, before me the subscriber personally came Benjamin Frank, to me known and known to me to be the Deputy Commissioner of General Services of the Office of General Services in the Executive Department of the State of New York, and known to me to be the same person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same as such Deputy Commissioner of General Services, for and on behalf of The People of the State of New York pursuant to the Statutes and Findings recited in the said instrument.

Charles J. Litalo, Jr.

CHARLES J. LITALO, JR.
Notary Public, State of New York
Qualified in Albany County
Commission Expires March 30, 1970

Approved this 7th day
of May 1968.

ARTHUR LEVITT
State Comptroller

Approved as to form this
7th day of
1968.

LOUIS J. LEFKOWITZ
Attorney General

By *[Signature]*

By *[Signature]*
Assistant Attorney General *[Signature]*

Avenue, Albany, New York.)


Also the parties of the first part have ceded and by these presents do cede to the United States, jurisdiction over the lands under water hereinabove described, but the jurisdiction so ceded is upon the express condition that the State of New York shall retain jurisdiction over said lands so far as that all civil and criminal process which may issue under the laws or authority of the State of New York may be executed thereon in the same way and manner as if such jurisdiction had not been ceded to the United States of America.

Such use and occupation by the United States of America and such cession of jurisdiction thereover is subject to any and all rights of any person or body politic or corporate acquired by prior grant or held by reason of the ownership of any uplands adjacent to any part of the lands under water hereinabove described.

It is expressly provided that at such time as the United States of America shall cease to use the above described lands for Fire Island National Seashore, the above cession of jurisdiction for the purposes of said Fire Island National Seashore shall cease, determine and become void.

IN WITNESS WHEREOF, the parties of the first part have caused these presents to be executed by their said Deputy Commissioner of General Services on this 6th day of May, 1968.

THE PEOPLE OF THE STATE OF NEW YORK


Benjamin Frank
Deputy Commissioner of General Services

THIS INDENTURE, made this 6th day of May in the year One Thousand, Nine Hundred and Sixty-Eight, between THE PEOPLE OF THE STATE OF NEW YORK, acting by and through Benjamin Frank, Deputy Commissioner of General Services in the Executive Department of our State, parties of the first part and the United States of America, party of the second part

WITNESSETH, that the parties of the first part, pursuant to Chapter 993 of the Laws of 1966 as amended by Chapter 630 of the Laws of 1967, a delegation of authority by the Commissioner of General Services in the Executive Department of our State, to the Deputy Commissioner of General Services dated March 2, 1967, and Findings made by the Deputy Commissioner of General Services dated May 6th, 1968, the parties of the first part do hereby authorize use and occupation by the United States of America for the purposes of Fire Island National Seashore of lands now or formerly under the waters of the Atlantic Ocean in the Towns of Islip and Brookhaven, County of Suffolk, State of New York, bounded and described as follows:

Beginning at the intersection of the mean high water line of the Atlantic Ocean with the easterly boundary line of Robert Moses State Park, running thence easterly on the said mean high water line approximately 26 miles to its intersection with the westerly side of Moriches Inlet; thence extending 1000 feet southerly into the Atlantic Ocean, thence westerly parallel to and 1000 feet southerly from the course first described to a line in prolongation of the easterly boundary of Robert Moses State Park and thence northerly along said boundary 1000 feet to the place of beginning, all as shown on Boundary Map No. OGP-0003 entitled "Map of Fire Island National Seashore, including the William Floyd Estate.", (on file with the Federal Register and in the Office of the Department of Interior of the United States and in the Office of General Services of the Executive Department of the State of New York, 143 Washington

APPENDIX C



Public Law 89-244
89th Congress, H. R. 8035
October 9, 1965

An Act

79 STAT. 957

To authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept the donation of approximately six hundred and eleven acres of lands, submerged lands, islands, and marshlands or interests therein, known as the William Floyd Estate, located in the town of Brookhaven, county of Suffolk, and State of New York, delineated on a certain map entitled "Map of the Fire Island National Seashore, Including the William Floyd Estate", numbered OGP-0003, dated May 1965, which map or a true copy thereof shall be filed with the Federal Register and may be examined in the offices of the Department of the Interior. Such donation may be accepted subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest.

Fire Island
National Sea-
shore, N. Y.
Additional land.

SEC. 2. The Secretary is also authorized to accept the donation of the main dwelling on said lands, which was the birthplace and residence of General William Floyd (a signer of the Declaration of Independence) and the furnishings therein and any outbuildings, subject to like terms, covenants, and conditions. The Secretary is authorized to lease said lands, dwellings, and outbuildings to the grantors thereof for a term of not more than twenty-five years, at \$1 per annum, and during the period of the leasehold the Secretary may provide protective custody for such property.

Filing with
Federal Reg-
ister.

Lease of lands,
dwellings, etc.

SEC. 3. Upon expiration or surrender of the aforesaid lease the property shall become a detached unit of the Fire Island National Seashore, and shall be administered, protected, and developed in accordance with the laws applicable thereto subject, with respect to said main dwelling and the furnishings therein, to such terms, covenants, and conditions which the Secretary shall have accepted and approved upon the donation thereof as in the public interest.

Approved October 9, 1965, 6:30 a.m.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 980 (Comm. on Interior & Insular Affairs).
SENATE REPORT No. 753 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD, Vol. 111 (1965):
Sept. 20: Passed House.
Sept. 23: Considered and passed Senate.

Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six

APPENDIX D
An Act

To provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitations on appropriations for the acquisition of lands and interests therein within units of the National Park System contained in the following Acts are amended as follows:

(1) Arches National Park, Utah: section 7 of the Act of November 12, 1971 (85 Stat. 422), is amended by changing "\$125,000" to "\$275,000";

(2) Assateague Island National Seashore, Maryland and Virginia: section 11 of the Act of September 21, 1965 (79 Stat. 824), as amended (16 U.S.C. 459f), is further amended by changing "\$21,050,000" to "\$22,400,000";

(3) Buffalo National River, Arkansas: section 7 of the Act of March 1, 1972 (86 Stat. 44), is amended by changing "\$16,115,000" to "\$30,071,500";

(4) Capitol Reef National Park, Utah: section 7 of the Act of December 18, 1971 (85 Stat. 739), is amended by changing "\$423,000" to "\$2,173,000";

(5) Fire Island National Seashore, New York: section 10 of the Act of September 11, 1964 (78 Stat. 928), is amended by changing "\$16,000,000" to "\$18,000,000";

(6) Gulf Islands National Seashore, Florida and Mississippi: section 11 of the Act of January 8, 1971 (84 Stat. 1967), is amended by changing "\$3,462,000" to "\$22,162,000";

(7) Lincoln Home National Historic Site, Illinois: section 3 of the Act of August 18, 1971 (85 Stat. 347), is amended by changing "\$2,003,000" to "\$3,059,000";

(8) Mesa Verde National Park, Colorado: section 3 of the Act of December 23, 1963 (77 Stat. 473), is amended by changing "\$125,000" to "\$193,233";

(9) North Cascades National Park and Lake Chelan National Recreation Area, Washington: section 506 of the Act of October 2, 1968 (82 Stat. 926), is amended by changing "\$3,500,000" to "\$4,500,000";

(10) Saint-Gaudens National Historic Site, New Hampshire: section 6 of the Act of August 31, 1964 (78 Stat. 749), is amended by adding a new sentence as follows: "For the acquisition of lands or interest therein, there is authorized to be appropriated not to exceed \$80,000.";

(11) Scotts Bluff National Monument, Nebraska: section 3 of the Act of June 30, 1961 (75 Stat. 148), is amended by changing "\$15,000" to "\$145,000";

(12) Canyonlands National Park, Utah: section 8 of the Act of September 12, 1964 (78 Stat. 934) as amended (85 Stat. 421) is further amended by changing \$16,000 to \$104,500; and

APPENDIX E

The nature and purpose of Special Use Permits and Concession Contracts is to provide beach access to businesses performing personal services for residents of Fire Island as well as allowing use by commercial enterprises of government owned facilities. A breakdown of each use is found in an accompanying table.

APPENDIX E

PERMIT HOLDER	PERMIT NUMBER	DURATION	PURPOSE
New York Telephone Co.	5:615-6567	June 25, 1987	Construction, installation, operation, repair, replacement and maintenance of wires, cables, and associated equipment for the furnishing of telephone service to the Government and other users. "Other Users" shall include, but shall not be restricted to, employees of the Seashore, concessionaires at the Seashore and owners or occupants of private property on Fire Island.
Village of Bellport	5:615-6580	December 31, 1989	Installing a waterline connecting the flowing well on Tract 3419 to a public beach facility belonging to Village on Tract 3431.
Long Island Lighting Company	5:615-6567	June 25, 1987	Providing electric service to residents of Oakleyville. Electric work consists of installation of one pole on the joint property lines of Lots 1,2 and 3 and another pole on the joint property line on Lots 1 and 3 (s/w/c) of Lot 1. Total length of line 520 linear foot.

CONTRACTS

Howard T. Rose, Co., Inc.	9900C20092	December 31, 1981	Concession services and facilities at Sailor's Haven Site
Watch Hill Concession, Inc.	9900C20082	December 31, 1980	Concession services and facilities at Watch Hill Site

APPENDIX F

PUBLIC LAW 95-625—NOV. 10, 1978

92 STAT. 3467

Public Law 95-625 95th Congress

An Act

To authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho.

Nov. 10, 1978
[S. 791]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Parks
and Recreation
Act of 1978.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "National Parks and Recreation Act of 1978". 16 USC 1 note.

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- Sec. 1. Short title and table of contents.
Sec. 2. Definition.
Sec. 3. Authorization of appropriations.

TITLE I—DEVELOPMENT CEILING INCREASES

- Sec. 101. Specific increases.
- Agate Fossil Beds National Monument.
 - Andersonville National Historic Site.
 - Andrew Johnson National Historic Site.
 - Biscayne National Monument.
 - Capitol Reef National Park.
 - Carl Sandburg Home National Historic Site.
 - Cowpens National Battlefield Site.
 - De Soto National Memorial.
 - Fort Bowie National Historic Site.
 - Frederick Douglass Home, District of Columbia.
 - Grant Kohrs Ranch National Historic Site.
 - Guadalupe Mountains National Park.
 - Gulf Islands National Seashore.
 - Harper's Ferry National Historical Park.
 - Hubbell Trading Post National Historic Site.
 - Indiana Dunes National Lakeshore.
 - John Muir National Historic Site.
 - Lands in Prince Georges and Charles Counties, Maryland.
 - Longfellow National Historic Site.
 - Pecos National Monument.
 - Perry's Victory and International Peace Memorial.
 - San Juan Island National Historical Park.
 - Sitka National Historical Park.
 - Statue of Liberty National Monument.
 - Thaddeus Kosciuszko Home National Historic Site.
 - Tuskegee Institute National Historic Site.
 - Whiskeytown-Shasta-Trinity National Recreation Area.
 - William Howard Taft National Historic Site.
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 Gulf Islands National Seashore.
 Hawaii Volcanoes National Park.
 John Day Fossil Beds National Monument.
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 Montezuma Castle National Monument.
 Oregon Caves National Monument.
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Sec. 311. Fort Clatsop National Memorial.

Sec. 312. Adams National Historic Site, Massachusetts.

Sec. 313. Addition of Eppes Manor to Petersburg National Battlefield.

Sec. 314. Addition of Mineral King Valley to Sequoia National Park.

Sec. 315. Cuyahoga Valley National Recreation Area.

Sec. 316. Delaware Water Gap National Recreation Area.

Sec. 317. Golden Gate National Recreation Area.

Sec. 318. Point Reyes National Seashore.

Sec. 319. Antietam National Battlefield.

Sec. 320. Chesapeake and Ohio Canal National Historical Park.

Sec. 321. Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument.

Sec. 322. Fire Island National Seashore.

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TITLE IV—WILDERNESS

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ANTIETAM NATIONAL BATTLEFIELD

Scenic easements, acquisition.
16 USC 430nn.

SEC. 319. (a) In furtherance of the purposes of the Act entitled "An Act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland", approved April 22, 1960 (71 Stat. 79), and other Acts relative thereto, the Secretary is hereby authorized to acquire only scenic easements over the additional lands generally depicted on the map entitled "Boundary Map, Antietam National Battlefield, Washington County, Maryland," numbered 302-80,005-A and dated June 1977.

Site, redesignation.
16 USC 430nn.
Boundary revision.

(b) The Antietam National Battlefield Site established pursuant to such Act of April 22, 1960, including only scenic easements acquired pursuant to subsection (a) of this section, is hereby redesignated the "Antietam National Battlefield". The boundaries of such battlefield are hereby revised to include the area generally depicted on the map referenced in subsection (a) of this section, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

6 USC 410y-6.
boundary revision.
16 USC 410y-1a.

SEC. 320. Section 8(b) of the Act of January 8, 1971 (84 Stat. 1978) is amended by changing "\$29,400,000" to "\$28,400,000". The boundaries of the park are revised to include approximately 600 additional acres: *Provided, however*, That such additions shall not include any properties located between 30th Street and Thomas Jefferson Street in the northwest section of the District of Columbia.

ALIBATES FLINT QUARRIES AND TEXAS PANHANDLE PUEBLO CULTURE NATIONAL MONUMENT

Description.

SEC. 321. (a) The first section of the Act of August 31, 1965 (79 Stat. 587) is amended by adding at the end thereof the following: "The national monument shall comprise the area generally depicted on the map entitled 'Boundary Map Alibates Flint Quarries', numbered 432-80,021, and dated November 1976. Minor boundary adjustments may be made from time to time by the Secretary."

(b) Section 3 of such Act is amended by deleting "\$260,000" and inserting "\$4,291,000" in lieu thereof.

Redesignation.
16 USC 431 note.

(c) The Act of August 31, 1965 (79 Stat. 587) is hereby amended to redesignate the Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument as the Alibates Flint Quarries National Monument.

FIRE ISLAND NATIONAL SEASHORE

Boundaries.
16 USC 459e.

SEC. 322. (a) Subsection 1(b) of the Act of September 11, 1964 (78 Stat. 928), as amended, is further amended to read as follows:

"(b) The boundaries of the national seashore shall extend from the easterly boundary of the main unit of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the national sea-

shore. In addition, the Act is amended to include the following: (1) one thousand feet in the Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay and, in addition, mainland terminal and headquarters sites, not to exceed a total of twelve acres, on the Patchogue River within Suffolk County, New York, all as delineated on a map identified as 'Fire Island National Seashore', numbered OGP-0001, dated May 1978. The Secretary shall publish said map in the Federal Register, and it may also be examined in the offices of the Department of the Interior."

(b) Section 2 of such Act is amended by adding the following new subsection at the end thereof:

"(g) The authority of the Secretary to condemn undeveloped tracts within the Dune District as depicted on map entitled 'Fire Island National Seashore' numbered OGP-0001 dated May, 1978, is suspended so long as the owner or owners of the undeveloped property therein maintain the property in its natural state. Undeveloped property within the Dune District that is acquired by the Secretary shall remain in its natural state."

(c) Section 7(b) of such Act is amended by striking the phrase "Brookhaven town park at", and inserting in lieu thereof: "O can Ridge portion of".

(d) Section 10 of such Act is amended by striking "\$18,000,000", and inserting in lieu thereof "\$23,000,000".

CUMBERLAND ISLAND NATIONAL SEASHORE

SEC. 323. Section 1 of the Act of October 23, 1972 (86 Stat. 1066), is amended by changing the phrase "numbered CUIS-40,000B, and dated June 1971," to read "numbered CUIS-40,000D, and dated January 1978,".

TITLE IV—WILDERNESS

DESIGNATION OF AREAS

SEC. 401. The following lands are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 560; 16 U.S.C. 1132(c)), and shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act:

(1) Buffalo National River, Arkansas, wilderness comprising approximately ten thousand five hundred and twenty-nine acres and potential wilderness additions comprising approximately twenty-five thousand four hundred and seventy-one acres depicted on a map entitled "Wilderness Plan, Buffalo National River, Arkansas", numbered 173-20,036-B and dated March 1975, to be known as the Buffalo National River Wilderness.

(2) Carlsbad Caverns National Park, New Mexico, wilderness comprising approximately thirty-three thousand one hundred and twenty-five acres and potential wilderness additions comprising approximately three hundred and twenty acres, depicted on a map entitled "Wilderness Plan, Carlsbad Caverns National Park, New Mexico," numbered 130-20,003-B and dated January 1978, to be known as the Carlsbad Caverns Wilderness. By January 1, 1980, the Secretary shall review the remainder of the park and shall report to the President, in accordance with section 3 (c) and (d) of the Wilderness Act (78 Stat. 591; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or unsuitability of any additional areas within the park for preservation as wilderness.

Map, published in Federal Register.

Undeveloped tracts and property.
16 USC 459e.

16 USC 459e.

16 USC 459e.

16 USC 459e.

Administrative.
16 USC 113 note.

16 USC 113 note.

Report to President.

It was determined that a number of changes to the regulations should be made. These changes are primarily clarifications and are not expected to have significant effects on the application of the regulations.

CHANGES MADE

The following is a discussion of the changes which have been made, other than minor editorial revisions.

Definition of residents. On the basis of comments received and further study of the situation, it was determined that the definition of the term "residents" contained in subparagraph (a)(1)(viii) of the proposed regulations was inadequate. This has been rectified in the final regulation by tightly defining those who will be considered "year-round residents" and who, therefore, have travel needs which are different from other categories of users. A definition of "part-time residents" has also been supplied in order to identify those persons who are domiciled on the island but who, because they do not reside there year-round, must meet additional requirements in order to qualify for a permit.

Route descriptions. The description of the route known as the "Burma Road," found in subparagraph (a)(2)(iv), was expanded to indicate that it may be used by fire and law enforcement vehicles, as well as public utility vehicles. This description was also changed to more accurately identify the route as being an intermittent one.

Alternative transportation. Subparagraph (a)(3)(iii), which deals with the location of transportation terminals which will be considered to determine available alternative transportation, has been modified by deleting the requirement for a planked or surfaced pathway between the terminal and the island point of origin or destination. This was found to be necessary to avoid situations in which a location very close to a terminal would have to be considered as not providing alternative transportation, when the only requirement lacking would be a very short length of pathway.

Permit issuance standards. A clarifying change was made in the language of subparagraph (a)(6), which states criteria which will be considered in issuing permits. In the proposal, one criterion had been stated to be "the existence of other permits issued to the applicant." This was felt to be unclear as to the time being referred to. Therefore, this phrase has been changed to speak of "the present or past issuance of other permits to the applicant." This more correctly states the relationship of an applicant's permit status to the decision as to whether or not a permit will be issued. In this same subparagraph, language has been added to make it clear that limitations on numbers of permits will also be a consideration.

Vehicle size limitations. The proposed restriction on vehicle capacity, in (a)(7)

(iii), used an outdated concept of vehicle size class identification. The intention of this provision was to allow the use, in most situations, of vehicles no larger than what is still frequently referred to as a "one-ton truck." Inasmuch as such vehicles now have rated capacities well in excess of 2,000 pounds, the proposed wording was incorrect. In order to establish a clear and more correct requirement, this provision has been revised to establish a limit of 10,000 pounds for the rated gross vehicle weight of permitted vehicles.

Travel closure periods. For those times or situations in which there is no alternative transportation available, subparagraph (a)(10)(ii) places limitations upon the travel that can be performed. As proposed, during the period from June 14 through September 14 any travel which was authorized due to a lack of alternative transportation could not be performed between 9 a.m. and 6 p.m. of any day. This has been modified to further restrict the periods when summer driving is permitted. Now, in addition to the daytime restrictions, travel will be prohibited at all hours on the weekends, from Friday night to Monday morning. In effect, this means that those few persons who are permitted to drive due to a lack of alternative transportation in the summertime may do so only between the hours of 6 p.m. and 9 a.m. on Monday, Tuesday, Wednesday, and Thursday nights and the following mornings.

Fire and law enforcement vehicles. It was not the intent of the proposed regulations to subject these vehicles to the restrictions of subparagraph (a)(10). However, the construction of the regulations did not make this clear. This situation has been corrected through a specific exemption in this subparagraph, relating to firefighting apparatus and law enforcement vehicles.

EFFECTIVE DATE

In as much as permits issued under existing regulations have been extended several times and expire on December 31, 1977, good cause has been found to have these revised regulations effective January 1, 1978, rather than delaying implementation for the full 30 day period normally provided after publication of a final rule. Affected persons were, through the proposed rulemaking, made aware of the changes which will be brought about by this amendment nearly 6 months prior to this effective date.

NOTE.—The National Park Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

DANIEL J. TOBIN,
Associate Director,
Management and Operations.

In consideration of the foregoing, paragraph (a) of § 7.20 of Title 36, Code of Federal Regulations, is hereby amended to read as follows:

[4310-70]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Fire Island National Seashore, New York; Vehicle Use Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This amendment prescribes the routes within Fire Island National Seashore on which the off-road operation of motor vehicles is permitted. It also revises the current regulations pertaining to permits for vehicles used on these routes by establishing clear standards for the issuance of these permits. Revised restrictions on the travel which will be allowed by vehicles under permit are also included in the regulations.

DATES: This amendment shall become effective on January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard W. Marks, Superintendent,
Fire Island National Seashore, telephone 516-239-4810.

SUPPLEMENTARY INFORMATION: On July 12, 1977, the National Park Service published a notice of proposed rulemaking for amended vehicle use regulations for Fire Island National Seashore (42 FR 35859). These proposed regulations were intended to provide a greater degree of control over vehicle use within the Seashore, use which has increased greatly in recent years, despite existing regulations.

A period of 30 days after publication of the proposed regulations was originally provided for public comment. This period was later extended for an additional 30 days in order to allow for additional participation in the rulemaking process.

In all, 87 written comments were received during the 60 days provided, with 9 additional comments arriving after this period. Of this total of 96 comments, 68 were generally in favor of the regulations, while 23 opposed them.

All comments received were carefully analyzed, particularly those that included specific suggestions for changes in the regulations. From these suggestions and from further study of the proposal,

§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles.* (1) *Definitions.* The following definitions shall apply to all provisions of this paragraph. (a):

(i) "Act" means the Act of September 11, 1964 (Pub. L. 88-587, 78 Stat. 923, 16 U.S.C. § 459e et seq.), or as the same may be amended or supplemented, which authorizes the establishment of the Seashore.

(ii) "Seashore lands" means any lands or interests in lands owned or hereafter acquired by the United States within the authorized boundaries of the Seashore. It shall also mean any lands or interests in lands owned by the United States which are on the island, outside the authorized boundaries of the Seashore, and managed for recreational purposes by the National Park Service pursuant to an agreement with another Federal agency.

(iii) "Island" means the entirety of Fire Island, New York, without regard for property ownership, jurisdiction, or the boundaries of Fire Island National Seashore.

(iv) "Mainland" means the land of Long Island, N.Y.

(v) "Motor vehicle" means a device which is self-propelled by internal combustion or electrical energy and in, upon, or by which any person or material is or may be transported on land.

(vi) "Dune crossing" means an access route over a primary dune which has been designated and appropriately posted.

(vii) "Public utility vehicle" means any motor vehicle operated and owned or leased by a public utility or public service company franchised or licensed to supply, on the island, electricity, water, or telephone service, while that vehicle is in use for supplying such service.

(viii) "Year-round residents" means those persons who are legally domiciled on the island and who, in addition, physically reside in their fixed and permanent homes on the island continuously, except for brief and occasional absences, for 12 months of the year.

(ix) "Part-time residents" means those persons who are legally domiciled on the island, but who physically reside in their fixed and permanent homes on the island continuously for less than 12 months of the year.

(x) "Service vehicle" means any motor vehicle other than a public utility vehicle, whose use on the island is essential to the continued use of residences on the island. This may include vehicles used for the following purposes, while in use for such purposes:

(A) Transporting heating fuel and bottled gas.

(B) Construction, repair, or maintenance of structures and plumbing, heating, or electrical facilities.

(C) Sanitation or refuse removal.

(D) Transporting material to individuals and to retail business establishments on the island.

(xi) "Official vehicle" means any motor vehicle operated and owned or leased by a Federal, State, or local governmental agency, except for law enforcement vehicles and fire fighting apparatus, while that vehicle is being used to transact the official business of that agency.

(2) *Routes for motor vehicle travel.* No motor vehicle may be operated on Seashore lands except on routes designated for that purpose and subject to the limitations of this paragraph (a). The following are the routes for off-road motor vehicle travel on Seashore lands, which shall be designated on a map available at the office of the Superintendent or by the posting of signs where appropriate:

(i) The Atlantic Ocean beach on the south shore of Fire Island, within the Seashore boundaries, from the mean high water mark to the water's edge.

(ii) A 0.5 mile route in the interior of the island, crossing the "Lighthouse Tract" from the easterly end of the paved road in the Robert Moses State Park to the eastern boundary of the Tract.

(iii) A 300 foot interior route from the eastern boundary of the detached eastern section of Robert Moses State Park to the western boundary of the community of Lighthouse Shores, across the land commonly referred to as the "Greenburg Tract."

(iv) An interior route which extends intermittently the length of the island, commonly referred to as the "Burma Road," for limited travel by public utility and law enforcement vehicles and fire fighting apparatus.

(v) Posted dune crossings from the beach to the "Burma Road" or to pathways within the island communities.

(3) *Alternative means of transportation.* In providing for access to the island, the Superintendent shall require maximum possible reliance on those means of transportation which are other than private motor vehicles and which have the minimum feasible impact on Seashore lands. As used in this paragraph (a), the term "alternative transportation" shall mean a waterborne conveyance that is licensed for hire and that provides a reasonable means of transportation between the mainland and the island. Such alternative transportation shall be deemed to exist for each particular factual situation in which:

(i) The schedule of the transportation service in question permits departure from an island terminal before 9 a.m. and departure from a mainland terminal after 5 p.m. on the same day; and

(ii) When the interval between the earliest and latest service provided by the transportation service in question on any day exceeds 8 hours, such service provides at least one round trip between the mainland and the island during that interval; and

(iii) The island transportation terminal in question is no more than one mile from the point of origin or destination on the island or from a point on the island to which access by motor vehicle is permitted; and

(iv) The mode of transportation in question is adequate to carry the person or object to be transported.

(4) *Permit required.* No motor vehicle, other than a piece of firefighting apparatus or a motor vehicle operated and owned or leased by a duly constituted law enforcement agency having jurisdiction within the Seashore, shall be operated on Seashore lands without a valid permit issued by the Superintendent.

(5) *Permit eligibility.* Any person, firm, partnership, corporation, organization, or agency falling within the categories listed below may apply to the Superintendent for a permit, using a form to be supplied for that purpose. The following will be eligible to submit permit applications:

(i) Those persons who are year-round residents.

(ii) Those persons who are part-time residents and who can demonstrate that access by motor vehicle is essential to their residency because of an ambulatory or other severe handicap, a serious health consideration, or lack of alternative transportation.

(iii) Those persons, firms, partnerships, corporations, organizations, or agencies which provide services essential to the occupancy of residences on the island.

(iv) Those persons who desire access by motor vehicle to Seashore lands in order to engage in fishing or hunting thereon, provided such access is compatible with conservation and preservation of Seashore resources.

(v) Those owners of estates in real property located on the island who have a demonstrated need for access to that property on days when there is no alternative transportation.

(6) *Standards for issuance of permits.* Permits will not be issued for the convenience of travel on Seashore lands. The Superintendent shall approve an application for a motor vehicle permit with appropriate limitations and restrictions or deny the application, in accordance with the provisions of this paragraph (a).

Permits will be issued only for those motor vehicles whose travel on Seashore lands is deemed by the Superintendent to be essential to the management or enjoyment of Seashore resources, or to the occupancy of residences or the ownership of real property on the island. In making this determination, the Superintendent shall consider the purposes of the Act in providing for the conservation and preservation of the natural resources of the Seashore and for the enjoyment of these resources by the public; the scope and purpose of such travel; the availability of alternative transportation on the day or days when the applicant for a permit requests to travel on Seashore lands; the present or past issuance of other permits to the applicant; any limitations on numbers of permits established pursuant to subparagraph (8); and, in the case of public utility, service, and official vehicles, the feasibility of basing such vehicles and related equipment on the island rather than the mainland.

(7) *Vehicle restrictions.* Any motor vehicle whose owner or operator has been found to qualify for a permit, according to the standards set forth in subparagraphs (5) and (6), must, prior to the issuance of such permit:

(i) Have a valid permit or other authorization for operation on the island issued by the local government agency or agencies within whose jurisdiction the travel is to be performed, if such permission or authorization is required by such agency or agencies.

(ii) Be capable of four-wheel drive operation.

(iii) Have a rated gross vehicle weight not in excess of 10,000 pounds, unless the use of a larger vehicle will result in a reduction of overall motor vehicle travel.

(iv) Meet the requirements of §§ 4.12, 4.19(e), 4.20, and 4.21 of this chapter and conform to all applicable State laws regarding licensing, registration, inspection, insurance, and required equipment.

(8) *Limitations on numbers of permits.* The Superintendent is authorized to limit the total number of permits for motor vehicle travel on Seashore lands, and/or to limit the number of permits issued for each category of eligible applicants listed in subparagraph (5), as he deems necessary for resource protection, public safety, or visitor enjoyment. In establishing such limits, the Superintendent shall utilize such factors as the type of use or purpose for which travel is authorized, the availability of other means of transportation, limits established by local jurisdictions, historic patterns of use, multiplicity of existing permits held by individuals, esthetic and scenic values, visitor uses, safety, soil, weather, erosion, terrain, wildlife, vegetation, noise, and management capabilities. Before making a final decision to adopt any limitation authorized by this subparagraph, notice of such intention shall be made through posting or news releases, and publication in the "FEDERAL REGISTER," and the public shall be provided a period of 30 days in which to comment upon the proposed limitation.

(9) *Permit limitations.* (i) No permit issued under these regulations shall be valid for more than one year. The Superintendent may issue permits for lesser periods, as appropriate for the travel required or the time of year at which a permit is issued.

(ii) Permits for public utility, service, and official vehicles shall specify the number of vehicles and identify each vehicle whose use is authorized thereby. Permits for other motor vehicles will apply only to the single, specific vehicle for which issued.

(iii) Permits are not transferable to another motor vehicle or to a new owner or lessee of the vehicle for which issued.

(iv) Permits may specify a single or multiple uses or purposes for which travel on Seashore lands is permitted. The limitations and restrictions on authorized travel set forth in subparagraph (10) of this paragraph shall apply, however, depending upon the specific use

or purpose for which a permitted motor vehicle is being utilized at the time of travel.

(v) Permits may contain such other limitations or conditions as the Superintendent deems necessary for resource protection, public safety, or visitor enjoyment. Limitations may include, but will not be limited to, restrictions on locations where vehicle travel is authorized and times, dates, or frequency of travel, in accordance with the provisions of this paragraph (a).

(10) *Authorized travel.* (i) Except as specifically provided elsewhere in this subparagraph (10), travel across Seashore lands by motor vehicles with valid permits will be authorized only on those days in which the island location, which is the point of origin or destination of travel or is another point to which access by motor vehicle is permitted, is not served by alternative transportation.

When alternative transportation services satisfy the definition of alternative transportation in subparagraph (3), the schedule of transportation services available for the island community or communities named in the permit application shall determine the days when travel is not authorized for the motor vehicle to which that permit applies.

(ii) On any day on which travel by motor vehicle is authorized due to a lack of alternative transportation, travel shall be limited to not more than one round trip per vehicle per day between the mainland and the island, and may be performed at any time except the following periods:

(A) From 9 a.m. to 6 p.m. on all Saturdays, Sundays, and national holidays from May 1 through June 13 and from September 15 through October 31.

(B) From 9 a.m. to 6 p.m. on all weekdays, and from 6 p.m. Friday to 9 a.m. the following Monday on all weekends, from June 14 through September 14.

(iii) The Superintendent may, for situations where the restrictions in subparagraph (ii) would create a severe hardship, authorize additional trips or travel at other hours.

(ix) In the case of public utility, service, and official vehicles for which permits have been issued, the Superintendent may authorize travel on Seashore lands at any time that he determines travel by such vehicles is essential, notwithstanding the above limitations and restrictions on authorized travel.

(v) Authorization for travel pursuant to subparagraphs (iii) and (iv) above shall be made only by the terms and conditions of the permit, for recurring travel, or by written permission from the Superintendent, for single occasions.

(vi) In an emergency involving the protection of life or a threatened substantial loss of property, travel by a motor vehicle which is under permit is authorized at any time.

(vii) The Superintendent may suspend any travel by motor vehicle otherwise permitted under this paragraph (a) when in his judgment such travel is inconsistent with the purpose of the Act or when such factors as weather, tides,

or other physical conditions render travel hazardous or would endanger Seashore resources. Such suspension of travel shall be announced by the posting of appropriate signs or verbal order of the Superintendent.

(viii) In accordance with the procedures set forth in § 2.6(b) of this chapter, the Superintendent may establish a limit on the number of motor vehicles permitted on any portion of, or the entirety of, the Seashore lands at any one time when such limits are required in the interests of public safety, protection of the resources of the area, or coordination with other visitor uses.

(ix) The provisions of this subparagraph (10) shall not apply to firefighting apparatus or to motor vehicles operated and owned or leased by a duly constituted law enforcement agency having jurisdiction within the Seashore.

(11) *Rules of travel.* (i) When two motor vehicles approach from opposite directions in the same track on Seashore lands, both operators shall reduce speed and the operator with the water to his left shall yield the right of way by turning out of the track to the right.

(ii) No motor vehicle shall be operated on any portion of a dune on Seashore lands except at dune crossings.

(iii) No person shall operate a motor vehicle on Seashore lands at a speed in excess of 20 miles per hour.

(iv) The speed of any motor vehicle being operated on Seashore lands shall be reduced to five miles per hour upon approaching or passing within 100 feet of any person not in a motor vehicle, or when passing through or over any dune crossings.

(12) *Violations.* (i) Failure to comply with the conditions of any permit issued pursuant to this paragraph will constitute a violation of these regulations.

(ii) In addition to any penalty required by § 1.3(a) of this chapter for a violation of regulations in this paragraph, the Superintendent may suspend or revoke the permit of a motor vehicle involved in such a violation.

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§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles*—(1) *Definitions.* The following terms or phrases, when used in this section, have the meanings hereinafter respectively ascribed to them:

(i) *Seashore lands.* Any lands owned or hereafter acquired by the United States or in which the United States possesses or hereafter acquires a proprietary interest.

(ii) [Reserved]

(iii) *Official vehicle.* Any motor vehicle while in use for official business of the U.S. Government, the State of New York, the county of Suffolk and of towns, villages, and communities situated on Fire Island, or while in use for hearse, ambulance, fire or other emergency or disaster purposes.

(iv) *Public utility vehicle.* Any motor vehicle owned or operated by a public utility or a public service company franchised or licensed to supply Fire Island residents with electricity, water, telephone, bottled gas, or other public utility service while in use for supplying such services.

(v) *Service vehicle.* Any motor vehicle owned or operated by or on behalf of an individual, partnership, or corporation while in use for furnishing Fire Island residents maintenance or repair services, including, but not limited to, installation or repair of household appliances, plumbing, carpentry, and painting.

(vi) *Building contractor vehicle.* Any motor vehicle owned or operated by or on behalf of an individual, partnership, or corporation while in use for landscaping or construction within the several established communities on Fire Island.

(vii) *Schoolbus.* Any motor vehicle owned or operated by or on behalf of a school district or other public or private entity maintaining elementary or secondary schools, while in use for transporting elementary or secondary school children of Fire Island residents and their teachers to and from school activities.

(viii) *Dune crossing.* An access way over a primary or transverse dune designated and marked as a dune crossing.

(ix) *Superintendent.* The Superintendent of the Fire Island National Seashore or his authorized representative.

(2) *Permits.* No motor vehicles, other than official vehicles and schoolbuses, shall be operated across seashore lands

except under permit issued by the Superintendent.

(i) The Superintendent is authorized to establish a system of permits consistent with the requirements of these regulations. Any person, firm, corporation, or partnership may apply to the Superintendent for a permit using a form to be provided for that purpose. Before granting the permit, the Superintendent shall consider whether or not the nature and extent of the intended use is consistent with the purposes of the regulations in this part, which are to protect the seashore lands and interests therein, to protect the health and safety of members of the public using the seashore, and to provide for the recreational use of motor vehicles for activities such as sports fishing and hunting in areas and at times which do not conflict with the conservation of the natural resources of the seashore. On this basis, the Superintendent may approve the application, deny the application or grant the application with appropriate limitations and restrictions.

(ii) Permits may be issued for periods of 1 day to 1 year depending on the reasonable requirements of the applicant.

(iii) No permit shall be issued for any motor vehicle having a manufacturer's rated capacity in excess of 1 ton: *Provided,* That application may be made to the Superintendent for a special trip permit for a vehicle of greater capacity to carry heavier loads for which water transportation is not available or feasible.

(iv) No permits shall be issued for any motor vehicle not equipped in accordance with applicable regulations in §§ 4.12, 4.19, and 4.21 of this chapter.

(v) Special permits may be issued to those persons who have satisfied the Superintendent that, by reason of their advanced age or infirmity, they require the use of a motor vehicle.

(vi) Permits shall be carried by the operator of a vehicle on Fire Island at all times and displayed upon request.

(vii) No permit will be issued by the Superintendent for any motor vehicle until the applicant has first secured from the towns of Brookhaven and/or Islip (and if required from the village of Ocean Beach or Saltaire also) an appropriate permit covering the same activity, vehicular use, and area of use for which a seashore permit is requested.

(3) *Authorized and prohibited travel.* (i) Except as otherwise specifically pro-

vided in this section, travel on all seashore land by motor vehicles is permitted as follows:

(a) From May 15 through September 14, inclusive; daily from 6 p.m. of 1 day through 9 a.m. of the following day but not from 9 a.m. Saturday through 6 p.m. Sunday.

(b) From September 15 through November 10, inclusive; daily at any hour, but not from 9 a.m. through 6 p.m. Saturday and Sunday.

(c) From November 11 through May 14, inclusive, daily at any hour.

(ii) Travel on seashore land by official vehicles and schoolbuses is permitted at all times.

(iii) Travel on seashore lands by public utility vehicles is permitted upon the issuance of a Special Use Permit, which shall be subject to such times of travel and other terms and conditions respecting the use of seashore lands as the Superintendent may determine necessary for the protection of the seashore and the safety of visitors thereto.

(iv) Travel on seashore lands by service vehicles is permitted between Robert Moses State Park and the westerly boundary of Smith Point County Park, subject to the times of travel provided for in subdivision (i) of this subparagraph, except that such travel between the easterly boundary of Ocean Ridge and the westerly boundary of Smith Point County Park is restricted to providing service to owners and occupants of houses situated therein.

(v) Travel on seashore lands by building contractor's vehicles is permitted between Robert Moses State Park and the westerly boundary of Smith Point County Park, subject to the times of travel provided for in subdivision (i) of this subparagraph, except, that from May 15 through September 14, inclusive, travel is permitted only upon issuance of a limited term permit by the Superintendent.

(vi) Travel on seashore lands by motor vehicles for hire is permitted between Robert Moses State Park and the westerly boundary of Cherry Grove subject to the times of travel provided for in subdivision (i) of this subparagraph. Travel on seashore lands by such vehicles between the westerly boundary of Cherry Grove and the easterly boundary of Ocean Ridge is permitted from May 15 through November 10, inclusive; daily at any hour, but not 9 a.m. to 6 p.m. Saturdays and Sundays, except that, such vehicles may be used by householders

between Davis Park and Barrett Beach while traveling to their homes daily at any hour. Use by such vehicles between the easterly boundary of Ocean Ridge and the westerly boundary of Smith Point County Park shall be limited to providing service to persons residing therein in the exercise of their prior existing rights of ingress and egress.

(vii) Travel on seashore lands by all other vehicles is prohibited from May 15 through September 14 inclusive except under prior existing rights of ingress and egress. However, during the period of September 15 through May 14 such vehicles may, for recreational purposes, travel over seashore lands at any time on the beach along the Atlantic Ocean between Smith Point County Park and Long Cove. No such vehicle may travel farther inland from the ocean than the base of the dunes.

(4) *Rules of travel.* (i) When two motor vehicles approach from opposite directions in the same track both operators shall reduce speed and the operator with the water to his left shall yield the right-of-way by turning out of the track to the right.

(ii) No motor vehicles shall be operated on any portion of a dune except at posted dune crossings.

(iii) Except as otherwise provided in this section, no person shall operate a motor vehicle on seashore lands at a speed that is greater than that established by the applicable sections of the existing Islip and Brookhaven town ordinances. Upon approaching or passing within 100 feet of a person or persons on the beach, or when passing through or over any authorized dune crossing, speed shall be reduced to 5 miles per hour.

(5) *Violations.* Violations of any of the foregoing regulations shall be punishable as provided by law. The Superintendent may, furthermore, suspend or revoke any permit for violation of any of the foregoing regulations. Failure to operate a motor vehicle in conformance with the terms of a permit shall be deemed a violation of the regulations in this part.

[33 FR 8543, June 11, 1968, as amended at 33 FR 9074, June 20, 1968; 33 FR 16641, Nov. 15, 1968; 36 FR 55, Jan. 5, 1971; 39 FR 11883, Apr. 1, 1974]